

MONROE COUNTY CLERK'S OFFICE

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Instrument: EFILING INDEX NUMBER

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Index #: E2021003143

Date: 04/12/2021

Time: 9:15:13 AM

Return To:
KYLE PHILIP RITER
400 Meridian Centre, Suite 320
Rochester, NY 14618

MATHEWS, KATHY

SPEEDWAY LLC

State Fee Index Number	\$165.00	
County Fee Index Number	\$26.00	
State Fee Cultural Education	\$14.25	
State Fee Records Management	\$4.75	Employee: MJ
Total Fees Paid:	\$210.00	

State of New York

MONROE COUNTY CLERK'S OFFICE
WARNING – THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

JAMIE ROMEO

MONROE COUNTY CLERK



STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

KATHY MATHEWS,

Plaintiff,

SUMMONS

v.

Index No.: _____

SPEEDWAY LLC,

Defendant.

TO THE ABOVE-NAMED DEFENDANT:

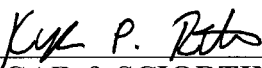
YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default.

Plaintiff designates Monroe County as the place of trial.

The basis of venue is the county where the incident complained of occurred.

The incident complained of occurred on premises located at 1677 Elmwood Avenue, Town of Brighton, County of Monroe, State of New York.

DATED: April 8, 2021
 Rochester, New York


SEGAR & SCIORTINO PLLC
Kyle P. Riter, Esq., of Counsel
Attorney(s) for Plaintiff
Office and Post Office Address:
400 Meridian Centre, Suite 320
Rochester, New York 14618
Telephone No.: (585) 475-1100

TO: **Speedway LLC**
(c/o New York State Secretary of State)

STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

KATHY MATHEWS,

Plaintiff,

v.

SPEEDWAY LLC,

Defendant.

VERIFIED COMPLAINT

Index No.: _____

Plaintiff Kathy Mathews, by her attorneys Segar & Sciortino PLLC, as and for a verified complaint against the defendant alleges the following:

1. Upon information and belief and at all times hereinafter mentioned, defendant was a foreign limited liability company formed and organized under the laws of the State of Delaware and authorized to do business in New York State.
2. Upon information and belief and at all times hereinafter mentioned, defendant's principal place of business was located at 500 Speedway Drive, Enon, Ohio 45323.
3. Upon information and belief and at all times hereinafter mentioned, defendant owned commercial premises located at 1677 Elmwood Avenue, Rochester, New York 14620.
4. Upon information and belief and at all times hereinafter mentioned, said premises were operated by the defendant as a Speedway gas station and convenience store.

5. Upon information and belief and at all times hereinafter mentioned, defendant was responsible for maintaining the aforementioned premises including the exterior areas of said premises, including but not limited to all walkways, parking lots and parking areas.

6. On or about January 30, 2019 at approximately 3:45 p.m., plaintiff Kathy Mathews, while lawfully upon the subject premises and while ambulating from the parking lot area on to the walkway was caused to slip and fall.

7. Plaintiff's slip and fall was caused by a hazardous and defective condition, namely broken, loose and/or deteriorated concrete forming a depression at or about the walkway which allowed for the accumulation of precipitation runoff and ice formation.

8. As a consequence of the aforementioned slip and fall, plaintiff Kathy Mathews sustained injuries including but not limited to her left arm and shoulder.

9. Plaintiff's fall and resultant injuries were caused by the negligence of defendant in failing to, among other things, reasonably maintain said walkway and parking lot area as well as identify and remediate said condition within a reasonable time after defendant knew or should have known of its existence.

10. By reason of the foregoing, plaintiff was rendered disabled and was caused to sustain injuries which may be permanent in nature, was disabled from working, resulting in loss of income, was compelled to undergo medical care and may require further medical care, and has suffered and continues to suffer pain, restriction and permanency and has sustained damages and is entitled to collect same against the defendant.

11. By reason of the foregoing, plaintiff has been damaged in excess of the jurisdictional limits of all lower courts in which this action may otherwise have been brought.

WHEREFORE, plaintiff demands judgment against the defendant together with costs, disbursements and such other and further relief as the court deems just and proper.

DATED: April 8, 2021



SEGAR & SCIORTINO PLLC
Kyle P. Riter, Esq., of Counsel
Attorney(s) for Plaintiff
Office and Post Office Address:
400 Meridian Centre, Suite 320
Rochester, New York 14618
Telephone No.: (585) 475-1100

VERIFICATION

STATE OF NEW YORK)
COUNTY OF MONROE) ss:

Kathy Mathews, being duly sworn, deposes and says, that deponent is the plaintiff in the within action; that deponent has read the foregoing Complaint, and knows the contents thereof, that the same is true to deponent's own knowledge, except as to those matters therein stated to be alleged on information and belief, and that as to those matters deponent believes to be true.


KATHY MATHEWS

Sworn to before me this
8th day of April, 2021


NOTARY PUBLIC

KYLE P. RITER
Notary Public, State of New York
Qualified in Monroe County
My Commission Expires March 14, 2024